

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

Re: ECF Nos. 3735, 3736, 3755

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,
Debtor.

PROMESA
Title III

No. 17 BK 3283-LTS

This Joinder relates to the Commonwealth, HTA, and PREPA, and shall be filed in Case Nos. 17 BK 3283-LTS, 17 BK 3567-LTS, and 17 BK 4780-LTS.

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY (“HTA”),

PROMESA
Title III

No. 17 BK 3567-LTS

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Debtor.	
In re:	PROMESA Title III
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,	No. 17 BK 4780-LTS
as representative of	
PUERTO RICO ELECTRIC POWER AUTHORITY,	
Debtor.	

**JOINDER OF THE PUERTO RICO
FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY
ON BEHALF OF THE PUERTO RICO HIGHWAYS AND TRANSPORTATION
AUTHORITY TO COMMONWEALTH'S RESPONSE TO
(A) OMNIBUS REPLY TO OPPOSITION TO MOTION REQUESTING
LIFTING OF THE STAY AND (B) MOTION REQUESTING HEARING ON 362
LIFTING OF THE STAY FILED BY AUTONOMOUS MUNICIPALITY OF PONCE**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Puerto Rico Highways and Transportation Authority (“HTA”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this joinder to the *Commonwealth's Response to (a) Omnibus Reply to Opposition to Motion Requesting Lifting of the Stay and (b) Motion Requesting Hearing on 362 Lifting of the Stay filed by Autonomous Municipality of Ponce* (the “Response”)² [ECF No. 3911 in Case No. 17-03283].³

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Response.

³ The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this joinder on behalf of HTA.

1. HTA hereby joins the Commonwealth of Puerto Rico in responding to the *Reply to Opposition to Motion Requesting Lifting of the Stay* [ECF No. 3735] (the “Reply”), and (b) the *Motion Requesting Hearing on 362 Lifting of the Stay* [ECF No. 373] (the “Hearing Request”), both filed by the Autonomous Municipality of Ponce (“Movant”), pursuant to the Court’s *Scheduling Order Regarding Hearing Request and Reply Filed by the Autonomous Municipality of Ponce* [ECF No. 3755] and adopts the factual and legal arguments set forth in the Response.

2. As HTA detailed in its *Joinder of the Puerto Rico Fiscal Agency and Financial Advisory Authority on Behalf of the Puerto Rico Highways and Transportation Authority to Objection of the Commonwealth to Motion for Partial Lift of Stay Filed by the Autonomous Municipality of Ponce* [ECF No. 3661], HTA has two construction projects under the Development Agreement covered in the Prepetition Judgment, Project AC-000915 and Project AC-000911 (the “HTA Projects”), which include the installation of traffic signage and fences, paving, correction of drainage system, among others, all with regards to the construction of Road PR-9 from PR-132 to PR-123 in the Municipality of Ponce. The correction of certain landslides caused by Hurricane Maria referenced in the Monitor Statement is only necessary to allow the HTA Projects to continue, and could not have been the original intent of these projects. The HTA Projects are funded by federal funds through the Federal Highway Administration’s Puerto Rico Highway Program, 23 U.S.C. § 165, and HTA has discretion to allocate these funds to projects within the requirements of 23 U.S.C. § 165(b)(2)(C).

3. As for the Hearing Request, HTA joins with the Commonwealth’s opposition to the Hearing Request for the reasons set forth in the Response. Movant does not dispute that HTA would have to expend tens of thousands of dollars annually to fund the costs of the Commonwealth Court-appointed monitor to audit the completion of the HTA Projects. Even assuming as true the

factual assertions in the Monitor Statement, Movant concedes that it would cost HTA approximately between \$90,000.00 to \$150,000.00 per year to fund the costs of the Commonwealth Court-appointed monitor, which would support denying the Motion. *See* Monitor Statement at 5.

WHEREFORE, HTA respectfully requests the Court take notice of the above and deny the Motion requesting relief from the automatic stay and the Hearing Request.

Dated: September 10, 2018
San Juan, Puerto Rico

Respectfully submitted,

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